

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

**H. THOMAS MORAN II, Receiver of
the Assets of LifeTime Capital, Inc. and
Certain Affiliated Persons and Entities,**

Case No. CV-3-05-071

Plaintiff,

-vs-

A/C FINANCIAL, INC., et al.,

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

Defendants.

**ENTRY AND ORDER OVERRULING THE RECEIVER'S OBJECTIONS
(Doc. #786) TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #782) IN ITS ENTIRETY
AND DISMISSING THE MOVING DEFENDANTS IDENTIFIED BELOW**

This matter is before the Court pursuant to Objections (doc. #786) by H. Thomas Moran II (the "Receiver") to the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (doc. #782) regarding Motions To Dismiss filed by Defendants Ernest Bustos (doc. #629), Thell G. Prueitt (doc. #680), Steven N. Moerdyk (doc. #681), Randy Toomey (doc. #686), Dennis J. Zasadny (doc. #687), William G. Ploeger (doc. #688), Roy Tripi (doc. #689), Leland W. Stanley Jr. (doc. #690), Stark & Associates (doc. #691), Paul C. Hensley (doc. #693), Steven E. LeBaron (doc. #694), Ronald Steger (doc. #698), Senior Financial Management (doc. #699), Timothy D. Herbert (doc. #700), William H. Stark III (doc. #704), Winona G. Stark (doc #705), Michael L. Heman (doc. # 706), Craig Noel Bass (doc. #708), Delores A. Wolterstorff (doc. # 709), Eva M. Quinones (doc. # 720), Juan C. Garcia (doc. #721),

Steven Caruso (doc. # 722), Audrey Demirjian (doc. # 724), Philip A. Hales (doc. #762) and Jose A Garcia (doc. # 763) (the “Moving Defendants”). Magistrate Judge Ovington recommends that the Moving Defendants’ Motions To Dismiss be granted and none of the Moving Defendants have responded to the Receiver’s Objections.

The District Judge has reviewed the Report and Recommendations of Magistrate Judge Ovington and has also made a de novo review of the record in this case pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that the Receiver’s Objections are OVERRULED. Magistrate Judge Ovington’s Report and Recommendations is ADOPTED in its entirety. The Moving Defendants’ Motions To Dismiss are GRANTED.

DONE and **ORDERED** in Dayton, Ohio, this Eighteenth day of September, 2007.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record